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Gordon T. Brown

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Alan G. Towner  
Pietragallo, Bosick & Gordon  
One Oxford Centre  
301 Grant Street, 38th Floor  
Pittsburgh, PA 15219

EXAMINER

RUHL, DENNIS WILLIAM

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/975,457  
Filing Date: October 11, 2001  
Appellant(s): BROWN, GORDON T.

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Alan G. Towner  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal briefs filed 1/5/09 and 3/3/09, appealing from the Office action mailed March 4, 2008.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

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## **(2) Related Appeals and Interferences**

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

Re-examination application number 90/008,481 is currently pending (on appeal) and is a re-examination of Patent 5,875,435 which is involved in civil litigation in Civil Action No. 06-cv-00933-AJS in the United States District Court for the Western District of Pennsylvania. Application 09/975,458 is also related to the current Appeal and is under a final rejection.

## **(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

## **(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

## **(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

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**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

5,220,501

Lawlor et al.

6-1993

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 45-52,54,58-70,74-81,83-92,96-108,112-119, are rejected under 35 U.S.C. 102(b) as being anticipated by Lawlor et al. (5220501).

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For claim 45-51,58-70,74-81,83-89,91,96-108,112-119, Lawlor discloses a system and method as claimed. Lawlor discloses a financial accounting computer 52 (that has more than one file) and a plurality of financial transaction computers 54. The transaction computers 54 are programmed to receive data inputs (via a means for establishing inputs such as a keyboard or data entry device) as claimed and are disclosed as transferring the data inputs (transaction instructions) to the accounting computer 54 (for example see column 7, lines 5-24). The network is 56 and/or 62 (means for transferring the data inputs). The financial transaction computers 54 are programmed to provide interactive access to the file of the accounting computer because it is disclosed that there is a security function that requires users to identify themselves by the use of account numbers and a PIN. This is a way to provide interactive access as claimed (means for providing interactive access). Once the user has access, the user and/or agent can enter data inputs (a new financial transaction such as a transfer of funds or a bill payment), process the data by reviewing the data, adjusting data (changing the amount of a periodic bill that is automatically paid), and deleting data (informing the bank of an incorrect charge that you did not make and having it corrected). A user can perform any and all of the recited functions. Lawlor inherently must have a modem as claimed in claim 91, because one cannot conduct data transfer from one computer to another computer on a network without a modem of some kind. The modem is the device that allows access to the network so that data transfer can occur. It is considered inherent that there is a computer readable medium of some kind (claim 78) that stores the computer programming that "controls" the

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recited method. An accounting statement is produced as claimed, see column 7, lines 60-63; column 10, lines 24-43; column 14, lines 3-6; and column 15, lines 47-54.

For claims 52,90, Lawlor discloses more than one financial transaction computer 54. Lawlor discloses a plurality of computers 54 and each of the computers 54 is fully capable of transferring data inputs to the file of the accounting computer. This is because a user can use any computer 54 that they want to, and gain access to the accounting computer to enter new data if so desired. This ability is present in the prior art reference.

For claims 54,92, applicant is reciting a method step directed to the intended use of the apparatus. This defines no structure to the apparatus and because the system of Lawlor can do what has been claimed, Lawlor anticipates what is claimed. For claims 58-60,74-76,96-98,112-114, Lawlor satisfies what has been claimed. A user and/or agent can enter data inputs (a new financial transaction such as a transfer of funds or a bill payment), process the data by reviewing the data, adjusting data (changing the amount of a periodic bill that is automatically paid), and deleting data (informing the bank of an incorrect charge that you did not make and having it corrected). A user can perform any and all of the recited functions.

For claims 80,81,118,119, Lawlor discloses the claimed apparatus. Lawlor discloses a means for establishing a file on the financial accounting computer 52, which is the save function of the computer that allows files to be saved and data to be saved to the files. The means to establish data inputs is the input function of the terminals 54 that take in transaction data that is to be transferred to the accounting computer 52 via a

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communication network. The means for providing access to the file is taken to be the security function of Lawlor that requires users to identify themselves by the use of account numbers and a PIN. This is a means to provide access as claimed. The means for generating an accounting statement is the software that allows the data to be viewed such as in an account statement or in any of the financial data services disclosed in column 7, lines 60-63; column 10, lines 24-43; column 14, lines 3-6; and column 15, lines 47-54.

#### **(10) Response to Argument**

With respect to the argument that Lawlor is directed to retail banking services and is not directed to accounting methods, this argument is not persuasive. This argument does not relate to any claimed limitations and in banking, accounting is inherently involved.

With respect to the argument that the remote terminals 54 of Lawlor do not satisfy the claimed "financial transaction computer", this argument is not persuasive. Applicant argues that a computer by definition is an "*electronic machine that performs high speed operations or assembles, stores, correlates, or otherwise processes information*". This is a very broad definition that appellant is attempting to rely upon. The examiner also questions where support can be found in the specification as originally filed for the specific definition that appellant is attempting to rely upon for their arguments; however, this argument will addressed regardless. The remote terminals 54 of Lawlor are "electronic machines" that receive information from a consumer

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(assembles information) and then processes the received information. Information is clearly being received and processed by the remote terminals, even if most of the actual transaction processing is occurring at a host computer and not at the remote terminals. The remote terminals 54 of Lawlor receive and transmit data, and execute commands in response to process data. Also, as an example with respect to claim 45, the claim recites that the financial transaction computer is "programmed to receive data inputs". To the extent that applicant has claimed the computer as being programmed to do anything specific, Lawlor discloses the same functionality. Lawlor discloses that the remote terminals 54 receive data inputs, so the terminals of Lawlor are programmed as appellant has claimed, so they are found to satisfy the claimed financial transaction computer. The argument is not persuasive.

Appellant has also argued that the central computer 52 of Lawlor is not an "accounting" computer as claimed. The central computer is a computer. The central computer processes financial data and financial transactions. This satisfies what is claimed because the central computer 52 is a financial computer that accounts for financial transaction data, which satisfies calling the computer an "accounting" computer. Also, the name you call a given computer lends no further structure to the system or computer itself, so this is merely descriptive language that defines no further structure to a computer in a generic sense. This argument is not persuasive.

With respect to the argument that there is no "interactive access" between the user and the central computer in Lawlor, this argument is not persuasive. The interactive access with the claimed financial accounting computer is provided by a user



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interacting with the remote terminals. The financial accounting computer is programmed to provide interactive access as claimed because the user can use the remote terminals (that are configured to communicate with the financial accounting computer) to perform one of the claimed activities (deleting, entering, etc.). The examiner sees no difference in what is claimed and what Lawlor discloses as far as the interactive access is concerned. A user interacts with the financial accounting computer (52 of Lawlor) via the remote terminals. The argument is not persuasive.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Dennis Ruhl/

Primary Examiner, Art Unit 3689

Conferees:

/JOHN G WEISS/

Supervisory Patent Examiner, Art Unit 3629

/Tan Dean D. Nguyen/

Primary Examiner, Art Unit 3689

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